

The applicant has amended claim 3 to clarify the meaning thereof.

The Examiner has maintained his rejections in this Action as they were in the preceding one in rejecting claims 3, 24, 26, 36 and 47 under 35 U.S.C. 102 as being anticipated by Spanish Utility Model 289561 to Iriarte, and in rejecting claims 32 through 34, 45, 37, 38, 46 and 48 under 35 U.S.C. 103 as being obvious in the face of the Iriarte reference. In doing so in connection with claim 3, the Examiner, in disagreeing with the applicant's previous argument, states that the adhesive referred to in claim 3 as being located on that surface of the resilient member covers the adhesive in the Iriarte reference dilator that binds body 2 thereof to its elastic strip 1. This position is advanced even though this resilient member surface with the adhesive surface is stated in claim 3 to be oriented as are the first and second end regions for engaging the outer wall tissues. The Examiner therefore finds this binding adhesive in the Iriarte reference dilator to face both towards and away from the user's face during use of that dilator with the result the claim does not distinguish over this reference.

The applicant has amended claim 3 above to further clarify that it is the surface of the resilient member that has a specified orientation in this claim and not the adhesive that is on that surface. The surface of the resilient member recited to have an adhesive thereon is stated to be oriented at least in part the same as that of the first and second end regions in having an adhesive thereat available to engage the outer wall tissues of the user's nose. Thus, since that adhesive at those end regions in claim 3 must be on a surface facing the user's nose to permit such an engagement, the adhesive on the resilient member in that claim must also be on a surface that faces the user's nose during use. Hence, the adhesive between the Iriarte dilator elastic strip 1 and body 2 cannot be the adhesive referred to in claim 3 as being on the resilient member surface because the adhesive on the Iriarte elastic strip 1 is on a surface thereof facing away from the user's nose in binding to body 2 positioned over that strip on that nose during use. In these circumstances, the applicant respectfully submits that claim 3 is allowable over the Iriarte reference.

Similarly, in connection with claims 32, 36 and 47, there is recited in each of those claims an adhesive at a surface of the resilient member therein which surface at least in part faces

in the same directions as those faced by the end surfaces of the truss. The claims further state there is an engagement means adhered to those end surfaces capable of engaging the exposed surfaces of the outer wall tissues faced by the end surfaces. Thus, the adhesive on the resilient member surface must also be between the resilient member and the nose of the user just as the engagement means on the end surfaces must be between those end surfaces and the nasal outer wall tissues. Again, this cannot be met by the adhesive in the Iriarte reference that is positioned between elastic strip 1 and body 2 to bind the two of them together since this adhesive must be on the surface of strip 1 facing away from the user's nose to adhere to the overlying strip rather than on a surface facing toward the user's nose as required by these claims. The applicant again respectfully submits that these claims too are allowable over the Iriarte reference.

In view of the foregoing, the applicant respectfully requests that the Examiner reconsider his rejection of the claims as amended, and further requests the Examiner now allow these claims as amended.

The Commissioner is authorized to charge payment of any patent application processing or filing fees under 37 C.F.R. 1.16 and 1.17 or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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